

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ZENAIDA JACKSON

Plaintiff,

v.

CRAIG ROBIN,

Defendant.

08-CV-5492 (WJM)

ORDER

This matter having been raised by Plaintiff Zenaida Jackson seeking an application to proceed without the payment of fees under 28 U.S.C. § 1915; and the Court having *sua sponte* screened the Complaint in the above-captioned action pursuant to 28 U.S.C. § 1915(e)(2)(B) to determine if it fails to state a claim upon which relief may be granted; and it appearing that Plaintiff and Defendant Craig Robin are residents of the State of New Jersey; and therefore, Plaintiff having failed to demonstrate subject matter jurisdiction for her state tort-related claims through diversity of citizenship pursuant to 28 U.S.C. § 1332; and it appearing that during the events described in the Complaint, Defendant was an attorney at the Office of Law Guardian, a unit of the New Jersey Office of the Public Defender, and therefore, Defendant was not acting under color of state law, *see Polk County v. Dodson*, 454 U.S. 312, 318-19 (1981); and Plaintiff having failed to expressly allege any violation of federal law in the Complaint or provide any other grounds for this Court's subject matter jurisdiction; and for good cause shown;

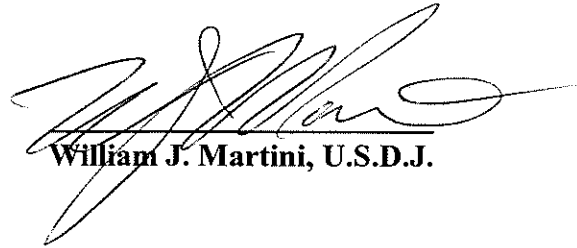
IT IS on this 19th day of December, 2008, hereby,

ORDERED that Plaintiff's application to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915(a); and it is

FURTHER ORDERED that the Clerk of the Court shall file the Complaint without the prepayment of fees and security; and it is

FURTHER ORDERED that the Complaint is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted; and it is

FURTHER ORDERED that this case is **CLOSED**.



William J. Martini, U.S.D.J.